

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICOLE D. HILLIARD,

Defendant.

No. CR-10-090-FVS

ORDER GRANTING MOTION AND
SETTING CONDITIONS
OF RELEASE

☒ Motion Denied as moot
(Ct. Rec. 53)

☒ Motion Granted
(Ct. Rec. 66)

☐ Action Required

Date of Motion hearing: March 11, 2011.

IT IS ORDERED that the release of the Defendant is subject to the following:

STANDARD CONDITIONS OF RELEASE

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

(7) Defendant shall contact defense counsel at least once a week.

(8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

BOND

(9) Defendant shall:

☐ Execute an unsecured appearance bond in the amount of _____ dollars

(\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ dollars

(\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute: ☐ \$_____ corporate surety bond

☐ \$_____ property bond

☐ \$_____ cash bond

☐ \$_____ percentage bond, with
\$_____ paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by

1 itself reasonably assure the appearance of the Defendant and the
 2 safety of other persons and the community,

3 **IT IS FURTHER ORDERED** that the release of the Defendant is subject
 4 to the following additional conditions:

5 ☐ (10) The Defendant is placed with:

6 _____
 7 Name of person or organization

8 _____
 9 Signature

_____ Date

10 who agrees to sign a copy of this Order, to be kept in Pretrial
 11 Services' file; supervise the Defendant consistent with all the
 12 conditions of release; use every effort to assure the appearance of
 13 the Defendant at all scheduled court proceedings; and notify the
 14 court immediately in the event the Defendant violates any conditions
 15 of release or disappears.

16 ☐ (11) Maintain or actively seek lawful employment.

17 ☐ (12) Maintain or commence an education program.

18 ☐ (13) Surrender any passport to Pretrial Services and does not
 19 apply for a new passport.

20 ☒ (14) Defendant shall remain in the:

21 ☒ Eastern District of Washington or ☐ State of Washington

22 while the case is pending. On a showing of necessity, Defendant may
 23 obtain prior written permission to leave this area from the United
 24 States Probation Office.

25 ☐ Exceptions:

26 _____
 27 _____

28 ☐ (15) Avoid all contact, direct or indirect, with any persons who
 are or who may become a victim or potential witness in the subject

1 investigation or prosecution, including but not limited to:

2 _____
3 _____
4 ☐ (16) Avoid all contact, direct or indirect, with:

5 ☐ Known felons

6 ☐ Co-Defendant(s)

7 ☐ (17) Undergo medical or psychiatric treatment and/or remain in an
8 institution as follows:

9 _____
10 ☒ (18) Refrain from: ☒ any ☐ excessive use of alcohol

11 ☒ (19) There shall be no alcohol in the home where Defendant
12 resides.

13 ☒ (20) There shall be no firearms in the home where Defendant
14 resides.

15 ☒ (21) Refrain from use or unlawful possession of a narcotic drug
16 or other controlled substances defined in 21 U.S.C. § 802, unless
17 prescribed by a licensed medical practitioner.

18 ☐ (22) Except for employment purposes, Defendant shall not have
19 access to the internet, including cell phones with internet access.

20 ☐ (23) Defendant may not be in the presence of minors, unless a
21 responsible, knowledgeable adult is present at all times.

22 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

23 If Defendant is required to submit to a substance abuse evaluation,
24 inpatient or outpatient treatment, the following shall apply:

25 Defendant shall complete treatment indicated by an evaluation or
26 recommended by Pretrial Services and shall comply with all rules of
27 a treatment program. Defendant shall be responsible for the cost of
28 testing, evaluation and treatment, unless the United States
Probation Office should determine otherwise. The United States
Probation Office shall also determine the time and place of testing
and evaluation and the scope of treatment. If Defendant fails in
any way to comply or cooperate with the requirements and rules of a
treatment program, Pretrial Services shall notify the court and the

1 U.S. Marshal, who will be directed to immediately arrest the
2 Defendant.

3 Defendant shall participate in one or more of the following
4 treatment programs:

5 ☐ (24) **Substance Abuse Evaluation:** Defendant shall undergo a
6 substance abuse evaluation:

7 ☐ if directed by a U.S. Probation Officer.

8 ☐ as directed by a U.S. Probation Officer.

9 ☐ Prior to release, Defendant must have an appointment for a
10 substance abuse evaluation, and the appointment must be
11 confirmed to the court by Pretrial Services. Defendant will
12 be released:

13 ☐ one day prior to, or ☐ on the morning of his appointment.

14 ☒ (25) **Inpatient Treatment:** Defendant shall participate in an
15 intensive inpatient treatment program.

16 ☐ Prior to release, an available bed and date of entry must be
17 confirmed by Pretrial Services.

18 ☒ Defendant will be released to an agent of the inpatient
19 program OR a U.S. Probation Officer at 7:00 p.m., on Monday,
20 March 14, 2011.

21 ☐ Prior to release from inpatient treatment, an outpatient
22 treatment program must be presented to the court. If
23 Defendant does not have a structured outpatient treatment
24 program in place prior to conclusion of inpatient treatment,
25 Defendant automatically will go back into the custody of the
26 U.S. Marshal.

27 ☐ Following inpatient treatment, Defendant shall participate in
28 an aftercare program.

☐ (26) **Outpatient Treatment:** Defendant shall participate in

1 intensive outpatient treatment.

2 ☐ Prior to release, an appointment for Defendant's first
3 counseling session must be made and confirmed by Pretrial
4 Services. Defendant will be released:

5 ☐ one day prior to, or ☐ on the morning of his appointment
6 ☒ (27) Other: Defendant shall not be permitted to
7 leave inpatient treatment without prior permission
8 of Pretrial Services.

9
10 ☒ (28) Prohibited Substance Testing: If random urinalysis testing
11 is not done through a treatment program, random urinalysis testing
12 shall be conducted through Pretrial Services, and shall not exceed
13 six (6) times per month. Defendant shall submit to any method of
14 testing required by the Pretrial Service Office for determining
15 whether the Defendant is using a prohibited substance. Such methods
16 may be used with random frequency and include urine testing, the
17 wearing of a sweat patch, a remote alcohol testing system, and/or
18 any form of prohibited substance screening or testing. Defendant
19 shall refrain from obstructing or attempting to obstruct or tamper,
20 in any fashion, with the efficiency and accuracy of prohibited
21 substance testing. Full mutual releases shall be executed to permit
22 communication between the court, Pretrial Services, and the
23 treatment vendor. Treatment shall not interfere with Defendant's
24 court appearances.

25 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

26 ☐ (29) Defendant shall participate in one or more of the following
27 home confinement program(s):

28 ☐ Electronic Monitoring. The Defendant shall participate in a

1 program of electronically monitored home confinement. The
2 Defendant shall wear, at all times, an electronic monitoring
3 device under the supervision of U.S. Probation. In the event the
4 Defendant does not respond to electronic monitoring or cannot be
5 found, the U.S. Probation Office shall forthwith notify the
6 United States Marshals' Service, who shall immediately find,
7 arrest and detain the Defendant. The Defendant shall pay all or
8 part of the cost of the program based upon ability to pay as
9 determined by the U.S. Probation Office.

10 ☐ **GPS Monitoring.** The Defendant shall participate in a program
11 of GPS confinement. The Defendant shall wear, at all times, a
12 GPS device under the supervision of U.S. Probation. In the event
13 the Defendant does not respond to GPS monitoring or cannot be
14 found, the U.S. Probation Office shall forthwith notify the
15 United States Marshals' Service, who shall immediately find,
16 arrest and detain the Defendant. The Defendant shall pay all or
17 part of the cost of the program based up ability to pay as
18 determined by the U.S. Probation Office.

19 ☐ **Curfew.** Defendant shall be restricted to his/her residence:

20 ☐ every day from _____ to _____

21 ☐ as directed by the Pretrial Services Office

22 ☐ **Home detention.** Defendant shall be restricted to his/her
23 residence at all times except for: attorney visits; court
24 appearances; case-related matters; court-ordered obligations; or
25 other activities as pre-approved by the Pretrial Services Office
26 or supervising officer, as well as:

27 ☐ employment ☐ education ☐ religious services

28 ☐ medical, substance abuse, or mental health treatment

DATED March 11, 2011.

ORDER SETTING CONDITIONS OF RELEASE - 8